

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-46 are pending in the application, prior to entry of this amendment. A final office action mailed August 19, 2005 rejected claims 1-46 under 35 U.S.C. § 103(a) as unpatentable over USP 5,999,911 ("Berg"), in view of USP 6,675,261 ("Shandony"). This paper neither adds, cancels nor amends any claims. Hence, after entry of this amendment, claims 1-46 will remain pending for examination.

II. Claim Rejections under 35 U.S.C. §103

All pending claims stand rejected under § 103(a) as unpatentable over the combination of Berg and Shandony. The applicant respectfully traverses this rejection for multiple reason, and requests reconsideration of the claims in light of the arguments herein.

A. The Shandony Reference

The Shandony references is cited in rejecting every pending claims. Shandony however, is not prior art. U.S. Application Serial No. 09/998,896 (the application upon which Shandony was granted) was filed on November 30, 2001, the same date on which the present application was filed. Shandony does claim priority from two provisional applications (provisional U.S. Application Serial Nos. 60/258, 087 and 60/285,524). The present application, however, claims priority from the same two provisional applications and therefore is entitled to the filing dates of those applications to the same extent as Shandony. The Shandony reference, with identical priority dates, therefore cannot be considered prior art to the present application under any paragraph of 35 U.S.C. § 102.

Moreover, even if Shandony were considered prior art, it is apparent that it would qualify as prior art only under § 102(e). Because U.S. Application Serial No. 09/998,896 and the present application were assigned to the same entity (Oblix, Inc.) at the time the present invention was invented, Shandony would be unavailable as a reference under 35 U.S.C. § 103(c). Hence, the rejections of claims 1-46 (each of which depends on Shandony) should be withdrawn.

B. The Berg Reference

Moreover, as noted in the applicant's prior response (filed May 31, 2005), Berg is inapposite to the pending claims. Merely by way of example, claim 1 recites, inter alia, "creating a definition of a first workflow for managing at least one identity of at least one entity" In contrast, Berg is directed solely to workflows for managing "complex design processes" (c. 1, ll. 7-8), such as "tools to assist in the development of complex electronics" (c. 1, ll. 18-20). For example, Berg describes in detail how the AMPLE scripting language may be incorporated in workflows (*see, e.g.* c. 8, ll. 49-64). AMPLE is a well-known scripting language for circuit board design.

Hence, Berg unquestionably is directed to workflows for automating computer aided design (CAD), and specifically, computer circuit design. The mere fact that both Berg and the present claims are directed generally to the concept of workflows does not provide any motivation or suggestion that Berg might be suitable to perform the processes recited by the present claims.

Specifically, nothing in Berg provides any motivation or suggestion that Berg might be modified to provide identity management services, whether in combination with Shandony or any other reference. The final office action supposes that one might be motivated to combine Shandony with Berg to "provide for establishing different sets of criteria for different level of entity identities." However, the process of managing identities is in no way related to the process of design automation. Even assuming, *arguendo*, that one might want to incorporate some level of access control in a design automation tool, there would be no motivation to use the workflow processes of the design automation tool (which, by their nature, are directed to automating design processes) to attempt to manage such access control (a task for which they would be singularly unsuited). In fact, there would be no reasonable expectation of success in using Berg's tools to manage identities, if for no other reason that because Berg's system is designed for a completely different task. Hence, Berg cannot be combined with any reference to form a *prima facie* case of obviousness with respect to any pending claim.

Appl. No. 09/998,910
Amdt. dated October 19, 2005
Amendment under 37 CFR 1.116 Expedited Procedure Examining Group 2142

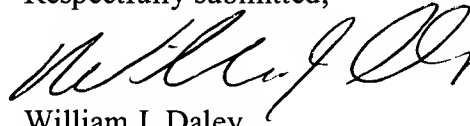
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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